

**§101.149 Special requirements for operation in the band 38,600 - 40,000 MHz
[FORMER 101.723]**

Assigned frequency channels in the band 38,600 - 40,000 MHz may be subdivided and used anywhere in the authorized service area, subject to the following terms and conditions:

(a) No interference may be caused to a previously existing station operating in another authorized service area.

(b) Each operating station must have posted a copy of the service area authorization.

(c) The antenna structure height employed at any location may not exceed the criteria set forth in Sec. 17.7 of this chapter unless, in each instance, authorization for use of a specific maximum antenna structure for each location has been obtained from the FAA prior to the erection of the antenna.

Subpart D-Operational Requirements

§101.201 Station inspection.

NO CHANGE.

§101.203 Communications concerning safety of life and property.

NO CHANGE.

§101.205 Operation during emergency.

NO CHANGE.

§101.207 Suspension of transmission.

NO CHANGE.

§101.209 Operation of stations at temporary fixed locations for communication between the United States and Canada or Mexico.

Stations authorized to operate at temporary fixed locations may not be used for transmissions between the United States and Canada, or the United States and Mexico, without prior specific notification to, and authorization from, the Commission. Notification

of such intended usage of the facilities should include a detailed showing of the operation proposed, including the parties involved, the nature of the communications to be handled, the terms and conditions of such operations, the time and place of operation, such other matters as the applicant deems relevant, and a showing as to how the public interest, convenience and necessity would be served by the proposed operation. Such notification should be given sufficiently in advance of the proposed date of operation to permit any appropriate correlation with the respective foreign government involved (see §§101.717, ~~§101.811~~ 101.811, 101.813, and 101.815).

§101.211 Operator ~~requirements for Private Operational Fixed Stations.~~ requirements.

~~(a) No operator license is required for the operation, maintenance, or repair of stations licensed under this part.~~

~~(b) An unlicensed~~ **(c)** ~~Any~~ person, with the consent or authorization of the licensee, may employ stations in this service for the purpose of telecommunications in accordance with the conditions and limitations set forth in §101.135 of this part.

~~(c) (b) The station licensee is responsible for the proper operation of the station at all times and is expected to provide for observations, servicing and maintenance as often as may be necessary to ensure proper operation. All adjustments or tests during or coincident with the installation, servicing, or maintenance of the station should be performed by or under the immediate supervision and responsibility of a person technically qualified to perform transmitter installation, operation, maintenance, and repair duties in the private land mobile services and fixed services by an organization or committee representative of users in those services.~~

~~(d) (c) The provisions of paragraph (b) (a) of this section authorizing unlicensed persons to operate stations may not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.~~

§101.213 Station identification.

Stations in the ~~these~~ private services are exempt from the requirement to identify transmissions by call sign or any other station identifier.

~~§101.215 Station Records.~~

~~Each licensee of a station subject to this part shall maintain records in accordance with the following:~~

(a) For all stations, the results and dates of transmitter measurements and the name of the person or persons making the measurements.

(b) For all stations, when service or maintenance duties are performed, which may affect their proper operation, the responsible operator shall sign and date an entry in the station record concerned, giving:

(1) Pertinent details of all transmitter adjustments performed by him or under his supervision;

(2) His name and address, provided that this information, so long as it remains unchanged, need not be repeated in the case of a person who is regularly employed as operator on a full-time basis at the station.

(c) When a station in this service has an antenna structure which is required to be illuminated, appropriate entries shall be made as follows:

(1) The time the tower lights are turned on and off each day, if manually controlled.

(2) The time the daily check of proper operation of the tower lights was made, if an automatic alarm system is not employed.

(3) In the event of any observed or otherwise known failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed or otherwise noted.

(iii) Date, time, and nature of the adjustments, repairs, or replacements made.

(iv) Identification of Flight Service Station (Federal Aviation Administration) notified of the failure of any code or rotating beacon light not corrected within 30 minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Flight Service Station (Federal Aviation Administration) that the required illumination was resumed.

(4) Upon completion of the 3-month periodic inspection required by Part 17:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators, and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

(d) The records shall be kept in an orderly manner, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the record.

(e) Each entry in the records of each station shall be signed by a person qualified to do so, having actual knowledge of the facts to be recorded.

(f) No record or portion thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry, who shall strike out the erroneous portion, initial the correction made and indicate the date of correction.

(g) Records required by this part shall be retained by the licensee for a period of at least one year.

Subpart E-Miscellaneous Common Carrier Provisions

NO CHANGE.

§101.301 National defense; free service.

NO CHANGE.

§101.303 Answers to notices of violation.

NO CHANGE.

§101.305 Discontinuance, reduction or impairment of service.

NO CHANGE.

§101.307 Tariffs, reports, and other material required to be submitted to the Commission.

NO CHANGE.

§101.309 Requirement that licensees respond to official communications.

NO CHANGE.

§101.311 Equal employment opportunities.

NO CHANGE.

Subpart F-Developmental Authorizations

§101.401 Eligibility.

NO CHANGE.

§101.403 Scope of service.

Developmental authorizations may be issued for:

(a) Field strength surveys relative to or precedent to the filing of applications for licenses, in connection with the selection of suitable locations for stations proposed to be established in any of the regularly established radio services regulated by the rules of this part; or

(b) The testing of existing or authorized antennas, wave guides, or transmission paths. ~~paths, or other equipment used in a system subject to this part.~~

§101.405 Adherence to program of research and development.

NO CHANGE.

§101.407 Special procedure for the development of a new service or for the use of frequencies not in accordance with the provisions of the rules in this part.

NO CHANGE.

§101.409 Terms of grant; general limitations.

NO CHANGE.

§101.411 Supplementary showing required.

NO CHANGE.

§101.413 Developmental report required.

NO CHANGE.

Subpart G-Digital Electronic Message Service

§101.501 Eligibility.

NO CHANGE.

§101.503 Digital Electronic Message Service Nodal Stations.

NO CHANGE.

§101.505 Frequencies.

NO CHANGE.

§101.507 Frequency stability

NO CHANGE.

§101.509 Interference protection criteria.

NO CHANGE.

§101.511 Purpose and permissible service.

NO CHANGE.

§101.513 Transmitter power.

NO CHANGE.

§101.515 Emissions and bandwidth.

NO CHANGE.

§101.517 Antennas.

NO CHANGE.

§101.519 Interconnection.

NO CHANGE.

§101.521 Spectrum utilization.

NO CHANGE.

Subpart H-Private Operational Fixed ~~Point-to-Point~~ Microwave Service

§101.601 Eligibility

NO CHANGE.

§101.603 Permissible Communications.

NO CHANGE.

§101.605 Frequencies.

DELETED/COMBINED WITH SECTION 101.703 INTO NEW SECTION

101.147

§101.607 Maximum authorized bandwidth

DELETED [IN SUBPART C]

§101.609 Technical standards for stations authorized prior to July 1, 1976.

DELETED [IN SUBPART C]

Subpart I - ~~Common Carrier Fixed~~ Point-to-Point Microwave ~~Radio~~ Service

§101.701 Eligibility.

NO CHANGE.

§101.703 Frequencies.

DELETED/COMBINED WITH §101.605 INTO NEW §101.147

§101.705 Transmitter power.

DELETED [IN SUBPART C]

§101.707 Bandwidth and emission limitations.

DELETED [IN SUBPART C]

§101.709 Modulation requirements.

DELETED [IN SUBPART C]

§101.711 ~~§101.703~~ Permissible communications.

Stations in this service are authorized to render any kind of communication service provided for in the legally applicable tariffs of the carrier, unless otherwise directed in the applicable instrument of authorization or limited by ~~§101.703 or §101.707~~ ~~§101.147 or §§101.111 and 101.113.~~

§101.713 Supplementary showing required with applications.

DELETED [INTEGRATED INTO §101.21]

§101.715 Stations at temporary fixed locations.

DELETED [INTEGRATED INTO §101.31]

§101.717 Notification of station operation at temporary fixed locations.

DELETED [INTEGRATED INTO §101.31]

§101.719 ~~§101.705~~ Renewal of station licenses.

(a) An application for renewal of a station license in the ~~Common Carrier Fixed Point-to-Point Microwave Radio Service~~ primarily used to relay television signals must contain:

(1) A statement that such use complies with §101.701(b); and

(2) The demonstration required by §101.701(c). Applications that do not contain these items as appropriate will be returned as unacceptable for filing.

(b) Any application for renewal of license, for a term commencing January 1, 1975, or after, involving facilities utilizing frequency diversity must contain a statement

showing compliance with §101.103(c) or the exceptions recognized in paragraph 141 of the "First Report and Order" in Docket No. 18920 (FCC 71-547). If not in compliance, a complete statement with the reasons therefor must be submitted.

§101.721 Channel loading.

DELETED [IN SUBPART C]

§101.723 Special requirements for operation in the band 38,600-40,000 MHz.

NO CHANGE. RELOCATED TO NEW §101.149.

Subpart J-Local Television Transmission Service

NO CHANGE.

§101.800 Eligibility.

NO CHANGE.

§101.801 Frequencies.

NO CHANGE.

§101.802 Assignment of frequencies to mobile stations.

NO CHANGE.

§101.803 Transmitter power.

NO CHANGE.

§101.804 Bandwidth and emission limitations.

NO CHANGE.

§101.805 Modulation requirements.

NO CHANGE.

§101.806 Remote control operation of mobile television pickup stations.

NO CHANGE.

§101.807 Stations at temporary fixed locations.

NO CHANGE.

§101.808 Notification of station operation at temporary locations.

NO CHANGE.

§101.809 Stations affected by coordination contour procedures.

NO CHANGE.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Reply Comments will be sent via first class mail, postage prepaid, to the following parties on the 17th day of March, 1995.

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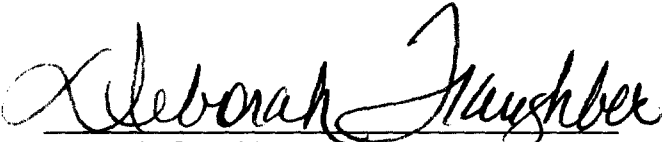
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